

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :
:
RICHARD ANTHONY RUTGERS and : CHAPTER 13
ELVA MAE RUTGERS, :
:
Debtors : BKRTCY. NO. 19-17402 pmm

DEBTORS' ANSWER TO MOTION FOR RELIEF FROM AUTOMATIC STAY
FILED BY WILMINGTON TRUST, NA AND AFFIRMATIVE DEFENSES

Debtors file the following Answer to the Motion for Relief filed by Wilmington Trust, NA ("Wilmington"), and say as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Proof demanded. In light of the confusion over who is accepting payments, and/or billing the mortgage, Debtors do not know who it is that they are currently supposed to pay.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Denied. Proof demanded. See attached monthly statements from Fay Servicing and the payments linked to those monthly statements from October, 2020 to the present.

WHEREFORE, Debtors respectfully request that Your Honorable Court deny and dismiss the Motion of Wilmington Trust, NA for Relief from the Automatic Stay and for any and all other relief requested.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The property at issue is the Debtors' residence and is therefore necessary to the Debtors' reorganization.

SECOND AFFIRMATIVE DEFENSE

The Debtors have made each payment since October, 2020 as requested by Fay Servicing, the entity with whom Debtors negotiated and completed a mortgage modification in 2020. See attached Fay statements and evidence of payment attached hereto as Exhibit "A".

**LAW OFFICES OF
KEVIN K. KERCHER, ESQUIRE, P.C.**

Date: 3/9/2021

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